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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/768,394	01/24/2001	Franz Haas	WEB-19967	1357	
7	7590 07/05/2002				
LERNER AND GREENBERG, P.A.			EXAMINER		
Post Office Box 2480 Hollywood, FL 33022-2480			WONG, LESLIE A		
			ART UNIT	PAPER NUMBER	
			1761 DATE MAILED: 07/05/2002	9	

Please find below and/or attached an Office communication concerning this application or proceeding.

1.p

Office Action Summary

Application No. 09/768,394

Applicant(s)

Examiner

Leslie Wong

Art Unit 1761

Haas et al.



Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE		The MAILING DATE of this communication appears on	the cover s	heet with	the correspondence address
A SHORLENED DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (8) MONTHS from the mailing date of the communication. If the period for reply aspecified above, the maintain elatratory prior will apply and will expert SIX (8) MONTHS from the mailing date of the communication. If the period for reply aspecified above, the maintain elatratory prior did lightly and will expert SIX (8) MONTHS from the maining date of the communication. If the period for reply aspecified above, the maintain elatratory prior did lightly and will expert SIX (8) MONTHS from the maining date of time communication. If the period for reply aspecified above, the maining date of the communication become ABANDONED (30 L.S. 1133). Failure to reply within the Office later than those menths after the mailing date of this communication, even if treely filed, may reduce any service parent turn ediplathment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on closed in accordance with the practice under Ex parre Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-27 is/are pending in the application. 4a) Of the above, claim(s) is/are withdrawn from considered is/are withdrawn from considered is/are ellowed. Claim(s) is/are withdrawn from considered is/are allowed. Claim(s) is/are objected to. By Claims 1-27 are subject to restriction and/or election required Application Papers 9) The specification is objected to by the Examiner. The proposed drawing correction filled on is/are a) accepted or b) objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 11) All proposed, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 1. Certified copies of the priority docu	Period fo	or Reply			
If the period for reply specified above is least than thirty (30) days, a reply within the activity (30) days, a reply within the activity (30) days, a reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (36 U.S. 6. 133). Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (36 U.S. 6. 133). Any reply received by the Office state than these members after the malling date of this communication, and the communication of the protection of the protection of the protection of the communication is provided by the protection of the communication of the communication of the protection of the communication of Claims 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-27 is/are pending in the application. 4a) Of the above, claim(s) is/are withdrawn from considers is/are withdrawn from considers is/are ellowed. 5) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claims 1-27 are subject to restriction and/or election require Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are a) accepted or b) objected to by the Examiner. Application Papers 11) The proposed drawing correction filed on is/are a) accepted or b) objected to by the Examiner. 12) Application application is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 13) All b) Some* c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received.	THE N - Extension	IAILING DATE OF THIS COMMUNICATION. ons of time may be available under the provisions of 37 CFR 1.136 (a). In no	event, however,	may a reply b	e timely filed after SIX (6) MONTHS from the
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2a) ☐ This action is FINAL. 2b) ☑ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4i ☑ Claim(s)	Status				
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		application from the International Bures	au (PCI nui	E 17.2(a))	•
14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).					
	14)	Acknowledgement is made of a claim for domestic	priority und	er 35 U.S	S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.	a) (The translation of the foreign language provisiona	l application	has beer	received.
15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	15)	Acknowledgement is made of a claim for domestic	priority und	er 35 U.S	5.C. 33 120 and/or 121.
Attachment(s) 4) Interview Summary (PTO-413) Paper No(s)			4) Intension	v Summan /P	TO-413) Paper No(s).
1) Notice of Neterences Cited (F10-032)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)					

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DETAILED ACTION

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-19, drawn to a baking mixture and baked good, classified in class 426, subclass 548.
- II. Claims 20-27, drawn to a method of producing baked goods, classified in class 426, subclass 549.

The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed as claimed can be made by another and materially different process.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 308-1979. The examiner can normally be reached on Tuesday-Friday.

The fax number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Leslie Wong
Primary Examiner
Art Unit 1761

LAW July 3, 2002